

**REMARKS/ARGUMENTS**

Claims 1-17 are pending in the application.

Claims 1-17 stand rejected under 35 U.S.C. § 112, second paragraph.

Claims 1-17 stand rejected under 35 U.S.C. § 112, first paragraph.

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kruger et al. (EP 508,126) ("Kruger"), Dahmen (DE 197 28 568) ("Dahmen"), Boger et al. (WO 96/21652) ("Boger"), Hazen et al. (US 4,834,908) ("Hazen") and the disclosure of Applicants own specification.

Claim 1 and 2 are currently amended.

**Rejection under 35 U.S.C. § 112, second paragraph.**

The Examiner has rejection claims 1-17 under 35 U.S.C. § 112, second paragraph as being indefinite for the following reasons: (1) what is intended by customary formulation assistants in claim 1; (2) it is unclear what alkaline earth in claim 2 is; and (3) what is fenoxaprop-P-ethyl as in amended claim 2.

Applicants have amended claim 1 to remove the language "customary formulation assistants" in claim 1.

Applicant have amended claim 2 to clarify the sentence.

Applicants note that fenoxaprop-P-ethyl is a co-herbicide. The inclusion of the fenoxaprop-P-ethyl was made in a supplemental amendment filed September 28, 2007. The isomer is the co-herbicide tested and discussed in the Declarations filed on December 20, 2005. Support for this previous amendment is found in the specification at page 10, line 5 of the second paragraph.

Applicants submit that the current amendments overcome the rejection and respectfully request the Examiner to withdraw this rejection.

**Rejection under 35 U.S.C. § 112, first paragraph.**

As stated by the Examiner, claims 1-17 have been rejected under 35 U.S.C. § 112, first paragraph, because the specification, while enabling for the combinations such as combination of the compound 1.008 and 1.007 and cloquincet-mexyl on pages 43 and 44, the specification is not

enabled for the synergistic combination of a) all the compound of formula I and herbicides b) which as claimed are herbicidally synergistic amount of the at least one herbicide selected from the currently claimed group.

Applicants have amended claim 1. Applicants submit that such amendments overcome the present rejection, and respectfully request withdrawal of the rejection.

**Rejection under 35 U.S.C. § 103(a)**

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kruger et al. (EP 508,126) ("Kruger"), Dahmen (DE 197 28 568) ("Dahmen"), Boger et al. (WO 96/21652) ("Boger"), Hazen et al. (US 4,834,908) ("Hazen") and the disclosure of Applicants own specification.

The examiner argues that "because of each compound appears to be well known in the prior art as cited above, the combination of the compounds would have been obvious at the time the invention was filed."

Applicants respectfully request reconsideration of the five Declarations of Jutta Glock submitted in response to the Office Action dated February 23, 2005. Particularly, the specification and the Declarations demonstrate the herbicidal action of over 30 different compositions comprised of a selected compound of formula (I) and a selected co-herbicide. Specifically, the Examiner's attention is directed to all five of the Glock Declarations and pages 40-44 of the present specification wherein the synergism is demonstrated between a selected compound of formula 1.008 and the following members of the 29 co-herbicides listed below:

- |                          |                    |
|--------------------------|--------------------|
| • Clodinafop-P-propargyl | • MCPA             |
| • Fenoxaprop-P-ethyl     | • 2,4-D ester      |
| • Tralkoxydim            | • 2,4-D amine      |
| • Triasulfuron           | • Triallate        |
| • Amidosulfuron          | • Prosulfocarb     |
| • Tribenuron             | • Dicamba          |
| • Idosulfuron            | • Diflufenican     |
| • Thifensulfuron-methyl  | • Bromoxynil       |
| • Metsulfuron            | • Ioxynil          |
| • Flupyr sulfuron        | • Florasulam       |
| • Sulfosulfuron          | • Flucarbazone     |
| • Mecoprop               | • Propoxycarbazone |
| • Fluroxypyr             | • Metosulam        |

For the reasons set forth above, Applicants respectfully submit that the present response overcomes all outstanding objections and rejections. Applicants respectfully request allowance of all claims.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 50-1676 in the name of Syngenta Crop Protection, Inc.

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